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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LINCOLN COUNTY WATER DISTRICT, a  
 political subdivision of the State of Nevada,  
 and VIDLER WATER COMPANY, INC., a  
 Nevada corporation,

Plaintiffs,

vs.

STATE OF NEVADA, DEPARTMENT OF  
 CONSERVATION AND NATURAL  
 RESOURCES, DIVISION OF WATER  
 RESOURCES, NEVADA STATE  
 ENGINEER,

Defendants.

Case No.

**DEFENDANTS' NOTICE OF  
 REMOVAL TO FEDERAL COURT**

Under 28 U.S.C. §§1331, 1441, and 1446, Defendant State of Nevada ex rel. Division of Water Resources, Department of Conservation and Natural Resources, Nevada State Engineer ("Defendants") removes the case entitled *Lincoln County Water District and Vidler Water Company v. State of Nevada et al.*, Case No. CV0903320, from Nevada's Seventh Judicial District Court to the United States District Court, District of Nevada.

1. Plaintiffs Lincoln County Water District and Vidler Water Company ("Plaintiffs") filed their complaint against Defendant on September 2, 2020. **Ex. A.**

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2. Plaintiffs served a copy of the summons and complaint on Defendants and the Nevada Attorney General's Office on September 9, 2020. **Ex. B.**

3. This Court has subject matter jurisdiction under 28 U.S.C. §1331. Plaintiffs' first claim for relief, inverse condemnation, arises under the United States Constitution.

4. Plaintiffs assert Defendant's alleged actions took Plaintiffs' water rights in violation of the Fifth and Fourteenth Amendments to the United States Constitution. **Ex. A**, ¶¶ 2, 16, 102, and 112.

5. Plaintiffs have also sent a letter to Defendants wherein they characterized their inverse condemnation claim as follows, "the State Engineer has taken [Plaintiffs'] property without just compensation as required under the Fifth and Fourteenth Amendments of the United States Constitution and under Article 1, Section 8(3) of the Nevada Constitution..." **Ex. C**, at 1. This letter constitutes an "other paper" showing that the case is removable. 28 U.S.C. § 1446(b)(3).

6. This Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) because Plaintiffs' second claim for relief, inverse condemnation under NRS Chapter 37, and third claim for relief, breach of contract, arise from the same common nucleus of operative facts as its federal inverse condemnation theory.

7. No consent from other defendants is required under 28 U.S.C. § 1446(b)(2)(A) because all Defendants consent to removal. Accordingly, Defendant may remove Plaintiffs' action to federal court.

8. Removal to this Court is proper under 28 U.S.C. §1446(a). Nevada's Seventh Judicial District Court, where the action lies, is in this Court's district and division.

9. Defendants' removal is timely under 28 U.S.C. § 1446(b). Defendant filed its Notice within 30 days of the service date, September 9, 2020. **Ex. B.**

10. Defendants will promptly serve written notice of this Notice of Removal on Plaintiffs' counsel and file the same with the Clerk of the Seventh Judicial District Court for the State of Nevada under 28 U.S.C. § 1446(d).

11. Defendants have not yet responded to Plaintiffs' complaint.

1           12. By removing this action from the Seventh Judicial District Court for the State  
2 of Nevada, Defendants do not waive any available defenses.

3           13. By removing this action from the Seventh Judicial District Court for the State  
4 of Nevada, Defendants do not admit any of the allegations in Plaintiffs' complaint.

5           DATED this 9th day of October, 2020.

6                           AARON D. FORD  
7                           Attorney General

8                           By: /s/ Steve Shevorski  
9                                 Steve Shevorski (Bar No. 8256)  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 9th day of October, 2020.

I certify that some of the participants in this case may be registered electronic filing systems users and will be served electronically. For those participants in the case that are not registered electronic filing system users, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada to the following unregistered participants:

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/s/ Eddie Rueda  
Eddie Rueda, an employee of the  
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